

## California Dental Practice Act 2021

- Scope of Practice
- Violations
- Citations, fines and license actions
- Rx regulations
- Mandatory Reporter Obligations
- Continuing Education Requirements
- Duties and Settings for Dental Auxiliaries
- Required Posting

## What's New?

- Dental Hygiene Committee now a Board
- New Duties for RDAEFs and Hygienists
- Cures/Serialized RX forms/e-Prescribing 1/22
- Outstanding tax obligation & license renewal
- Irrigants used on "exposed dental pulp" laws
- Sexual Harrasment Training required
- All licensese renewals online only as of 7/21
- Email address required by Dental Board

**EFFECTIVE IMMEDIATELY !!!!!  
PRACTICAL EXAM FOR REGISTERED  
DENTAL ASSISTANT LICENSURE  
SUSPENDED!**

**ONLY ONE WRITTEN EXAM PLUS  
PRE-REQUISITES**

## Dental Assistant Permits

DAs, RDAs and RDAEFs may obtain

### Orthodontic Assistant Permit

- Must have 12 months work experience as DA, RDA, or RDAEF
- Take 84 hour board approved orthodontic assistant course
- Pass a state administered written exam
- Complete 25 CE every 2 yrs.

### Dental Sedation Assistant Permit

- Must have 12 months work experience as DA, RDA, or RDAEF
- Take 110 hour board approved dental sedation assistant course
- Pass a state administered written exam
- Complete 25 CE every 2 yrs

## Unlicensed Dental Assistants hired after 1-1-2010 must take

1. An 8 Hour Infection Control Course
2. California Dental Practice Act
3. CPR (AHA or Red Cross AGD-PACE/ADA-CERP)

*The employer is responsible for ensuring that unlicensed DA who is in his or her continuous employ for 120 days or more completes within a year of the date of employment*

## Unprofessional Conduct

Practicing with an expired license

Failure to follow the Infection Control standards

Insurance fraud

Fee by fraud or misrepresentation

Aiding/abetting unlicensed person to practice dentistry

Aiding/abetting licensed person to practice dentistry unlawfully

NEW -Laws re: Irrigating the exposed Dental Pulp

### Commercial patient financing products as of 1-1-10

1. DDS must provide a treatment plan to the pt
2. DDS or staff must obtain the pt's signature on a specified written disclosure
3. DDS may only apply charges to credit card or credit line that was established before the treatment was rendered if the patient is 1<sup>st</sup> provided with a list of services being pd for.
4. No arrangements for credit products while pt under the influence of gen anes, consc sedation or N2O.
5. DDS must refund lender w/in 15 days of pt's request any payment rec'd for treatment not rendered.

### Fictitious Name Permit and Name change regulations

Must have a Fictitious name permit issued by the Dental Board-Fictitious business license does not meet this requirement.

All licensees must notify the Dental Board or Dental Hygiene Board within 10 days of a personal name change. (Hyg must notify of email/address chg)

DDS must register place of practice and change of place of place within 30 days to Dental Board

### Name Tag/Posting Requirements

All licensees must wear a name tag (18 pt type)  
Name and license type UNLESS the license is displayed at the facility.

The name of every person employed in the practice of dentistry must be posted in a conspicuous place in the facility

#### **Notice to Consumer Posters (DDS & HYG)**

### Mandatory Reporter Obligations

- Domestic Violence-Physical Assault
- Suspected Child Abuse/neglect
- Suspected Elder Abuse/neglect

Report within 36 hours-failure to report is a misdemeanor. Possible fines \$1000 or 6 months jail time.

### Dental Licenses and Permits

- Licenses expire every 2 years- If your birth year is an even number your license ALWAYS expires in an even year- in your birthday month. If birth year is odd number year/license will expire in odd year.

DDS Fee increase \$6/yr for funding CURES (statewide data base admin by DOJ)

### Dental License Renewal

#### Continuing Education

Dentists	50 hours
RDAs and Hygienists	25 hours
RDHAPs	35 hours
DSAP and OAP	
Permit Holders	25 hours

2 hrs of California Dental Practice Act  
2 hrs of Infection Control  
CPR-Basic Life Support LIVE (AHA or Red Cross)

Called are now called Criteria 1, 2, & 3

(1=Clinical, 2=Non Clinical, 3=not recognized for credit

**80% of hours must be courses in the actual delivery of dental services**

Examples: Criteria 1  
Infection Control, DPA,  
OSHA, HIPAA and CPR  
clinical procedures

**Up to 20% may be used in courses such as office management**

Examples Criteria 2: Recall  
systems, HR,  
Communications,  
Computer systems,  
Practice Mgmt, etc.

## Live CE vs. Home Study

50% of Continuing Education can be Home Study

50% must be live courses (classroom, live telephone conferencing, live video conferencing, webinars and live workshop demonstration).

NEW: AGD PACE and ADA CERP courses accepted as long as they meet Dental Board criteria.  
Including CPR

## COVID-19 Pandemic Waivers

Continuing education temporarily waived for dental license renewal for licenses that expired March-2020 to July-31-21 (6 mo extension).

CPR- Red Cross/AHA Cards valid for 120 days beyond their recommended renewal date.

DDS may obtain & administer COVID vaccination if the DDS completes four COVID-19 (CDC) training classes. Must provide documentation to pt's MD and to appropriate immunization registry.

## Outstanding Tax Obligations

Effective July 1, 2012, the Dental Board of CA is required to deny an application for licensure or suspend a license/certificate/registration if a licensee or applicant has outstanding tax obligations due to the Franchise Tax Board (FTB) or the State Board of Equalization

## Table Of Permitted Duties

- "N"= Means that the auxiliary is NOT permitted to perform the duty
- "D"= Means direct supervision
- "DD"=Means DDS decides the level of supervision  
Direct or General
- "G"= Means general supervision

## TABLE OF PERMITTED DUTIES – DENTAL HYGIENE

"05" means RDH or RDHEF may perform RDA duties if initial license was issued on or before December 31, 2005. If licensed after January 1, 2006, the Hygienist must obtained RDA license to perform RDA duties.

"WS" means the RDH may perform this function without supervision of a dentist. "Without supervision" differs from "general supervision" in that the dentist has not examined the patient prior to the provision of the service

## DENTAL ASSISTING TABLE OF PERMITTED DUTIES

The following is a table of duties which Dental Assistants (DA), Orthodontic Assistants (OA), Dental Sedation Assistants (DSA), Registered Dental Assistants (RDA) and Registered Dental Assistants in Extended Functions (RDAEF) are allowed to perform in California.

This table is intended to provide summary information to interested parties. It is not intended to cover all aspects of applicable laws or provide a substitute for reviewing the laws that are cross-referenced below. It is highly recommended that applicants and licensees review the actual text of the laws cited at the link provided below. **If a duty is not listed in the sections of law cited below, assistants are NOT allowed to perform the duty.** Under each category of assistant is one of the following notations: “D”, “C”, “G” or “DD”.

“D” = the assistant may perform the duty under the Direct supervision of a dentist, which means supervision of dental procedures based on instructions given by a licensed dentist who must be physically present in the treatment facility during the performance of those procedures. The duty must be performed pursuant to the order, control and full professional responsibility of the supervising dentist. Such procedures must be checked and approved by the supervising dentist prior to dismissal of the patient from the office of said dentist.

Note: Dental Sedation Assistant permit holders may also perform the listed duty under a licensed health care professional authorized to administer conscious sedation or general anesthesia in the dental office.

“C” = the assistant may perform the duty in the specified setting under the supervision of a dentist, Registered Dental Hygienist, or Registered Dental Hygienist in Alternative Practice.

“G” = the assistant can perform the duty under the General supervision of a dentist, which means based on instructions given by a licensed dentist, but not requiring the physical presence of the supervising dentist during the performance of those procedures.

“DD” = The supervising licensed dentist shall be responsible for determining whether each authorized procedure performed by a registered dental assistant should be performed under general or direct supervision, except as provided in Section 1777.

The sections of law noted below are contained in the Dental Practice Act located in Chapter 4 of Division 2 of the California Business and Professions Code (BPC). For the actual text of the laws, the following link will take you to the page on the Dental Board’s web site <http://www.dbc.ca.gov/lawsregs/laws.shtml>.

ALLOWABLE DUTIES	SECTION OF LAW (Statute or Regulation)	D	C	G	DD
<b>DENTAL ASSISTANT (DA) BPC, SECTION 1750.1</b>					
Extra-oral duties or procedures specified by the supervising licensed dentist, provided that these duties or procedures meet the definition of a basic supportive procedure specified in Section 1750	1750.1			X	
Operate dental radiography equipment for the purpose of oral radiography if the dental assistant has complied with the requirements of Section 1656	1750.1			X	
Perform intraoral and extraoral photography	1750.1			X	
Apply nonaerosol and noncaustic topical agents	1750.1	X			
Apply topical fluoride	1750.1	X			
Take intraoral impressions for all nonprosthodontic appliances	1750.1	X			
Take facebow transfers and bite registrations	1750.1	X			
Place and remove rubber dams or other isolation devices	1750.1	X			
Place, wedge, and remove matrices for restorative procedures	1750.1	X			
Remove postextraction dressings after inspection of the surgical site by the supervising licensed dentist	1750.1	X			
Perform measurements for the purposes of orthodontic treatment	1750.1	X			
Cure restorative or orthodontic materials in operative site with a light-curing device	1750.1	X			
Examine orthodontic appliances	1750.1	X			
Place and remove orthodontic separators	1750.1	X			
Remove ligature ties and archwires	1750.1	X			
After adjustment by the dentist, examine and seat removable orthodontic appliances and deliver care instructions to the patient	1750.1	X			
Remove periodontal dressings	1750.1	X			
Remove sutures after inspection of the site by the dentist	1750.1	X			
Place patient monitoring sensors	1750.1	X			
Monitor patient sedation, limited to reading and transmitting information from the monitor display during the intraoperative phase of surgery for electrocardiogram waveform, carbon dioxide and end tidal carbon dioxide concentrations, respiratory cycle data, continuous noninvasive blood pressure data, or pulse arterial oxygen saturation measurements, for the purpose of interpretation and evaluation by a supervising licensed dentist who shall be at the patient's chairside during this procedure	1750.1	X			
Assist in the administration of nitrous oxide when used for analgesia or sedation. A dental assistant shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the supervising licensed dentist who shall be present at the patient's chairside during the implementation of these instructions. This paragraph shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency	1750.1	X			
Apply topical fluoride under the general direction of a licensed dentist or physician, when operating in a school-based setting or a public health program created or administered by a federal, state, county, or local governmental entity pursuant to Sections 104762 and 104830 of the Health and Safety Code	1750.1			X	
Intraoral retraction and suctioning under the supervision of a registered dental hygienist in alternative practice	1750.1		X		

## **You Can Think Your Practice is in Compliance... or You Can KNOW IT!**

### **Required Posters, Signs and Notices**

Notice to Consumers: Dental Board, Dental Hygiene Board, Consumer Affairs  
Prop 65 Warning (3 in 1 sign for Amalgam, Nitrous Oxide, and BPA)  
Dental Material Fact Sheet

Employment Posters -All state and federal employment posters including sick leave law, family leave, Whistleblower, Workplace Discrimination and Harassment, Sexual Harassment, Notice to Employees-Injuries Caused by Work, Pregnant Employees, Families First Coronavirus Response Act (FFCRA), Transgender Rights in the Workplace, to name a few

The Division of Occupational Safety and Health, under the California Department of Industrial Relations, in October 2020 updated the Safety and Health Protection on the Job notice. All employers are required to print and post the notice found on the DIR website.

All Gender Restroom Sign for single user restrooms  
Radiation Safety Posters (Also prepare written Radiation Safety Plans-see CDA Practice Support website)  
OSHA signs, labels , warning, eyewash sign, lasers in use

Dental Board required posting of Infection Control minimum standards and Dental Auxiliary Duty table

### **OSHA**

OSHA signs, labels , warning, eyewash sign, lasers in use

Standardized format for Safety Data Sheets (SDS) formerly called Material Safety Data Sheets (MSDS).  
OSHA Training/Recordkeeping forms are required.

Aerosol Transmissible Diseases” (ATDs), employee training ATDs plans must be part of the office OSHA manual. Written Respiratory Protection Plans, program administrator, training if respiratory protection used.

Conduct a Mock OSHA Inspection

### **Dental Board**

Minimum Standards for Infection Control 3 written protocols are required

Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care  
CDC Document - <http://www.cdc.gov/oralhealth/infectioncontrol/pdf/safe-care.pdf>

Keep Continuing Education Certificates 6 years. The Dental Board conducts random audits

Prescription Writing regulations: Cures Program - Prescribers of Controlled Substances required to enroll.  
Go to <https://oag.ca.gov/cures/faqs> Also E-Prescribing begins in 2022

### **Harassment Prevention Training (State Regulation)**

California employers with 5 or more employees are required by law to provide two hours of sexual harassment and abusive conduct prevention training to all supervisors and one hour of such training to non-supervisory employees before January 1, 2021. Training is required once every two years and within six months of hire or promotion.

## Resources

Dental Unit Waterline Treatment  
Sterisil, Inc.  
Citrisil products and waterline filters  
719-622-7200  
[www.sterisil.com](http://www.sterisil.com)

Instadose X-ray Monitoring Badges Online  
Program  
ICcare  
P.O. Box 19249  
Harvest Station Postal Store  
Irvine, CA 92623-9998  
Phone 877-477-5486  
[www.iccare.net](http://www.iccare.net)

Infection Control Guidelines  
MMWR Report  
[http://www.cdc.gov/oralhealth/  
InfectionControl/guidelines/index.htm](http://www.cdc.gov/oralhealth/InfectionControl/guidelines/index.htm)

Guideline for Disinfection and Sterilization  
in Healthcare Facilities, 2008  
[http://www.cdc.gov/hicpac/pdf/guidelines/Disinfection\\_Nov\\_2008.pdf](http://www.cdc.gov/hicpac/pdf/guidelines/Disinfection_Nov_2008.pdf)

Centers for Disease Control  
U.S. Dept. Of Health & Human Services-  
Voice Information Services  
404-332-4565  
[www.cdc.gov](http://www.cdc.gov)

American Dental Association  
1-800-621-8099  
[www.ada.org](http://www.ada.org)

California Dental Association  
800-736-8702  
OSHA "Regulatory Compliance Manual"  
[www.cda.org](http://www.cda.org)

Dental Board of California  
916-263-2300  
[www.dbc.ca.gov](http://www.dbc.ca.gov)

Dental Hygiene Board Of Calif  
916-263-2595  
[www.dhcc.ca.gov](http://www.dhcc.ca.gov)

Organization for Safety, Asepsis and  
Prevention (OSAP)  
800-298-OSAP  
[www.osap.org](http://www.osap.org)  
BOOK "From Policy To Practice"

California Dept. of Health Services  
Radiologic Health Branch  
916-327-5106-Sacramento  
213-351-7897-LA County  
619-338-29-San Diego County

CAL/OSHA Consultation Service  
[www.dir.ca.gov](http://www.dir.ca.gov)

OSHA Pressure Vessel Unit  
No. Calif- 510-622-3066  
So. Calif- 714-567-7208

National HIV/AIDS Clinicians Consultation  
Center  
HIV Consultation Service Warmline 800-  
933-3413  
National Clinicians' Post-Exposure  
Prophylaxis Hotline 24/7  
PEpline 888-HIV-4911

Website for Hepatitis Information  
[www.hepatitisneighborhood.com](http://www.hepatitisneighborhood.com)

U.S. Air Force Dental Evaluation and  
Consultation Services (formerly USAF  
Dental Investigative Services)  
[decs.nhgl.med.navy.mil](http://decs.nhgl.med.navy.mil)

**REAL ESTATE IN  
CALAVERAS COUNTY**  
Donovan Hamanaka, Agent  
(209) 768-3901

National Institute of Occupational Health  
and Safety (NIOSH)  
[www.cdc.gov/niosh](http://www.cdc.gov/niosh)